~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Leviticus 19:12: “And you shall not swear falsely by my name, profaning the name of your Lord; I am the Lord.”

Let us pray. Almighty God, make Your presence known to each of us as we assemble together to accomplish the peoples’ work. Guide each Representative in making right decisions which best utilize our resources. Help these men and women to remember You created them and put them in this place to work for the people. Bless our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. LUCAS moved that when the House adjourns, it adjourn in memory of Reaves McCall of Hartsville, which was agreed to.

STATEMENT FOR THE JOURNAL

I join Rep. Lucas’s effort to adjourn in memory of Reaves McCall of Hartsville.

Rep. Lester Branham

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4162

Agency: Environmental Certification Board

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40-23-305

Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses

Received by Speaker of the House of Representatives January 21, 2011

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration May 21, 2011

Revised: January 26, 2012

Document No. 4164

Agency: Division of Labor

Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20

Child Labor

Received by Speaker of the House of Representatives January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Revised: June 2, 2011

**REPORTS OF STANDING COMMITTEES**

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3669 -- Reps. Harrison and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-385 SO AS TO PROVIDE THAT WITH CERTAIN EXCEPTIONS, THE ATTORNEY GENERAL MUST APPROVE ANY CIVIL ACTION UNDERTAKEN BY A SOLICITOR OF THIS STATE EITHER UNDER HIS OWN SIGNATURE IN HIS OFFICIAL CAPACITY ON BEHALF OF THE STATE OR BY OUTSIDE COUNSEL RETAINED AS PROVIDED BY LAW BY THE SOLICITOR IN HIS OFFICIAL CAPACITY ON BEHALF OF THE STATE; AND TO AMEND SECTION 15-3-570, RELATING TO ACTIONS TO SECURE A PENALTY OR FORFEITURE BY A PRIVATE PARTY FOR A PENALTY OR FORFEITURE GIVEN TO THE PRIVATE PARTY, OR UPON FAILURE OF THE PRIVATE PARTY TO COMMENCE THE ACTION WITHIN THE TIME PRESCRIBED BY THE ATTORNEY GENERAL OR THE SOLICITOR OF THE CIRCUIT WHERE THE OFFENSE WAS COMMITTED ON BEHALF OF THE STATE, SO AS TO DELETE THE AUTHORITY OF THE SOLICITOR OF THE CIRCUIT WHERE THE OFFENSE WAS COMMITTED TO BRING THE ACTION.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3631 -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R. L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3249 -- Reps. G. M. Smith, Taylor and G. R. Smith: A BILL TO AMEND SECTION 61-6-4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER'S AND PASSENGERS' COMPARTMENTS; AND TO PROVIDE THAT A PERSON'S DRIVER'S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3041 -- Reps. J. R. Smith, Thayer, Harrison, G. R. Smith, Taylor, G. M. Smith, Hixon and Patrick: A BILL TO AMEND SECTIONS 59-71-40 AND 59-71-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO A SCHOOL BOND ELECTION, SO AS TO PROVIDE THAT THE ELECTION MUST BE HELD ON THE DATE OF A GENERAL ELECTION OR ON THE DATE OF A PRIMARY ELECTION.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Bales, Jefferson, McEachern, Brannon, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks, Erickson and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3876 -- Reps. Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO DECLARE WEDNESDAY, MARCH 9, 2011, AS "SOUTH CAROLINA RECYCLERS DAY" AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA'S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE'S ECONOMY AND FOR THEIR EFFORTS TO PROTECT THE ENVIRONMENT AND PROMOTE ENERGY EFFICIENCY.

Whereas, recycling in South Carolina protects the environment, conserves natural resources, promotes energy efficiency, and supports economic development; and

Whereas, the upgrading and processing of recycled materials adds $6.5 billion annually to South Carolina’s economy. Additionally, the recycling industry is projected to increase approximately twelve percent annually during the next five years, with an economic impact to the State of more than $11 billion; and

Whereas, in South Carolina, the recycling industry is directly responsible for more than 37,440 jobs, $1.5 billion in annual personal income, and an estimated $69 million in tax revenue each year; and

Whereas, the South Carolina recycling industry announced over $438 million in capital investment, the creation of 1,130 new jobs, with twenty‑eight new or existing companies investing in the State in 2010. The recycling industry is comprised of haulers, collectors, processors, brokers, recycling equipment sales and manufacturers, and end‑users, or manufacturers who use recycled‑material feedstock and make recycled‑content products from it; and

Whereas, in addition to recycling, other green‑industry sector companies in South Carolina announced over $825 million in capital investment and 3,080 green jobs, adding fourteen new or existing businesses. The green‑industry sector is comprised of companies that help reduce the use of fossil fuels, pollution, and GHG emissions; develop renewable energy sources; and increase the efficiency of energy usage; and

Whereas, through the recognition and promotion of the economic, energy, and environmental benefits of recycling, South Carolina’s recycling industry will grow, thereby creating efficient market‑based solutions for various energy and waste‑management concerns; and

Whereas, the significant energy benefits of recycling provide greater diversity and reliability to the South Carolina energy grid while protecting the state’s natural resources. The manufacture of recycled products requires, on average, seventeen times less energy than manufacturing the same products from virgin materials; and

Whereas, in 2007, the energy saved from recycling reached 900 trillion BTUs nationwide, equal to the amount of energy used by nine million American households. As such, in addition to the traditionally understood benefits of recycling as a conservation and waste‑management tool, recycling is becoming known as an energy source to help combat the nation’s growing energy crisis. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare Wednesday, March 9, 2011, as “South Carolina Recyclers Day”, and commend and recognize South Carolina’s recyclers for their contributions to our state’s economy and for their efforts to protect the environment and promote energy efficiency.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3877 -- Reps. Parker, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXPRESS SINCERE SORROW OF THE HOUSE OF REPRESENTATIVES UPON THE PASSING OF JAMES DAVID "JIMMY" FOSTER OF SPARTANBURG COUNTY, AND TO EXTEND HEARTFELT SYMPATHY TO HIS LARGE AND LOVING FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3878 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. STEPHEN LOMAX OF GREENVILLE COUNTY, ORGANIZER OF THE NEW LIFE IN CHRIST MISSIONARY BAPTIST CHURCH OF FOUNTAIN INN, UPON THE SIXTH-YEAR ANNIVERSARY OF THE CHURCH'S FOUNDING TO THE GLORY OF GOD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3879 -- Reps. White, Stringer, Ryan and Ballentine: A HOUSE RESOLUTION TO AMEND RULE 4 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO A COMMITTEE'S CONSIDERATION AND INTRODUCTION OF LEGISLATION, SO AS TO PROVIDE THAT COMMITTEE JOINT RESOLUTIONS APPROVING OR DISAPPROVING REGULATIONS MAY BE INTRODUCED BY A MAJORITY VOTE OF THE COMMITTEE.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 3892 -- Reps. Sandifer and Allison: A HOUSE RESOLUTION TO CONGRATULATE CAROLINE GRACE BLANTON, MISS SOUTH CAROLINA TEEN 2010, OF HORRY COUNTY, AND TO COMMEND HER FOR THE DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3893 -- Reps. Sandifer and Allison: A HOUSE RESOLUTION TO CONGRATULATE DESIREE LEIGH PUGLIA, MISS SOUTH CAROLINA 2010, OF SIMPSONVILLE, AND TO COMMEND THE DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3894 -- Reps. Owens, Daning and Forrester: A CONCURRENT RESOLUTION TO CONGRATULATE THE TWENTY SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2011 ACADEMIC ALL-STATE BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3880 -- Reps. Mack, Brantley, Gilliard, Spires, Frye, Pinson, Sabb, Allen, Dillard, Knight and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO PROVIDE FOR THE LICENSURE OF LOCKSMITH AGENCIES, TO REQUIRE EMPLOYEE REGISTRATION, TO REQUIRE SIGNED WORK ORDER FORMS WHEN OPENING RESIDENCES, COMMERCIAL ESTABLISHMENTS, AND MOTOR VEHICLES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS.

Referred to Committee on Labor, Commerce and Industry

H. 3881 -- Reps. Stringer and Bannister: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE LIMITATION ON THE EXEMPTION FOR INDIVIDUAL RETIREMENT ACCOUNTS THAT PROVIDED FOR THE EXEMPTION ONLY TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR OR HIS DEPENDENTS.

Referred to Committee on Judiciary

H. 3882 -- Reps. Pitts, Bikas, Crawford, Herbkersman, Knight, Lowe, Gilliard, Hardwick, Limehouse, J. R. Smith, Hearn, Clyburn, Daning, Hosey, Long, Sottile and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO KNOWINGLY SOLICIT, PERSUADE, ENCOURAGE, OR ENTICE A LICENSED DEALER OR PRIVATE SELLER OF FIREARMS OR AMMUNITION IN VIOLATION OF STATE OR FEDERAL LAW, OR KNOWINGLY PROVIDE THAT PERSON WITH MATERIALLY FALSE INFORMATION TO DECEIVE HIM ABOUT THE LEGALITY OF A TRANSFER OF A FIREARM OR AMMUNITION, OR WILFULLY PROCURE ANOTHER PERSON TO ENGAGE IN CERTAIN ILLEGAL ACTIVITIES ARE GUILTY OF A FELONY, TO PROVIDE PENALTIES, AND TO PROVIDE CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THESE OFFENSES.

Referred to Committee on Judiciary

H. 3883 -- Reps. Ryan, Patrick, Erickson, Ballentine and Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-260 SO AS TO DEVOLVE UPON THE GOVERNING BODY OF A PARTICULAR COUNTY THE APPOINTMENT AND RECOMMENDATION FOR APPOINTMENT AUTHORITY OF VARIOUS COUNTY OFFICES FORMERLY HELD BY THE COUNTY LEGISLATION DELEGATION OF THAT COUNTY UNDER CERTAIN CONDITIONS, AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Judiciary

H. 3884 -- Reps. Ryan, Stringer, Hamilton, Viers, Patrick, Quinn, Ballentine, McCoy, Erickson, Murphy, Atwater, Corbin, Bedingfield, Bikas, Henderson, Hixon, Long, Nanney, Pope, G. R. Smith and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-450 SO AS TO PROVIDE THAT MEMBERS OF STATE-SUPPORTED COLLEGE AND UNIVERSITY BOARDS OF TRUSTEES WHO ARE ELECTED BY THE GENERAL ASSEMBLY OR APPOINTED BY THE GOVERNOR MAY SERVE NO MORE THAN TWO FULL FOUR-YEAR TERMS, AND TO MAKE EXCEPTIONS.

Referred to Committee on Judiciary

H. 3885 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-870 SO AS TO REQUIRE AN EMPLOYER TO GIVE AN EMPLOYEE REASONABLE TIME OFF FROM WORK TO VOTE IN ELECTIONS.

Referred to Committee on Judiciary

H. 3886 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-87 SO AS TO REQUIRE THE GOVERNOR'S ANNUAL STATE BUDGET RECOMMENDATION AND THE REPORTS OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE ON THE ANNUAL GENERAL APPROPRIATIONS ACT TO BE IN A PROGRAMMATIC FORMAT BY PROVIDING A NARRATIVE DESCRIPTION OF EACH SEPARATE PROGRAM ADMINISTERED BY A STATE AGENCY AND TO PROVIDE THE ELEMENTS THAT MUST BE INCLUDED IN THE NARRATIVE; AND TO REQUIRE THE BUDGET RECOMMENDATION FOR AN AGENCY TO INCLUDE AN OVERALL BUDGET RECOMMENDATION BY BUDGET CATEGORY AND A SIMILAR RECOMMENDATION FOR EACH SEPARATE PROGRAM ADMINISTERED BY THE AGENCY AND THE SPECIFIC SOURCE OF FUNDS APPROPRIATED FOR THE AGENCY.

Referred to Committee on Ways and Means

H. 3887 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 2-7-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ANNUAL GENERAL APPROPRIATIONS ACT, SO AS TO PROVIDE THAT, BEGINNING WITH ITS 2012 SESSION, THE GENERAL ASSEMBLY SHALL ENACT A BIENNIAL STATE GENERAL APPROPRIATIONS ACT.

Referred to Committee on Ways and Means

H. 3888 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-780 SO AS TO PROVIDE THAT A LEAVE DONOR UNDER THE STATE EMPLOYEES LEAVE TRANSFER PROGRAM ALSO MAY DONATE SICK LEAVE OR ANNUAL LEAVE, OR BOTH, TO A SPECIFIC LEAVE RECIPIENT RATHER THAN TO THE LEAVE POOL ACCOUNT IN THE MANNER THE HUMAN RESOURCE MANAGEMENT DIVISION SHALL DIRECT.

Referred to Committee on Ways and Means

H. 3889 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 2-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL ASSEMBLY ADJOURNMENT, SO AS TO PROVIDE FOR SINE DIE ADJOURNMENT ON THE FIRST THURSDAY OF MAY RATHER THAN THE FIRST THURSDAY IN JUNE AND DELETE THE AUTHORITY TO EXTEND THE SESSION.

Referred to Committee on Judiciary

H. 3890 -- Rep. J. E. Smith: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO SESSIONS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE FOR ANNUAL SESSIONS OF THE GENERAL ASSEMBLY COMMENCING ON THE SECOND TUESDAY IN FEBRUARY RATHER THAN THE SECOND TUESDAY IN JANUARY OF EACH YEAR.

Referred to Committee on Judiciary

H. 3891 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 30-4-75 SO AS TO PROVIDE THAT MEETINGS OF THE GOVERNOR WITH AGENCY OR DEPARTMENT HEADS HE APPOINTS TOGETHER WITH ANY OTHER PUBLIC OFFICIALS OR EMPLOYEES INVITED TO ATTEND MUST BE OPEN TO THE PUBLIC IN THE SAME MANNER AND UNDER THE SAME CONDITIONS THAT MEETINGS OF PUBLIC BODIES MUST BE OPEN TO THE PUBLIC UNDER THE FREEDOM OF INFORMATION ACT.

Referred to Committee on Judiciary

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V. S. Moss, Pinson, Rutherford, Sabb, G. R. Smith and Thayer: A BILL TO AMEND SECTION 17-15-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

Referred to Committee on Judiciary

H. 3896 -- Reps. Simrill, Pope and D. C. Moss: A BILL TO AMEND SECTION 17-22-950, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL CHARGES RESULTING IN A NOT GUILTY VERDICT OR DISMISSAL OF ALL CHARGES REQUIRING THE ISSUANCE OF AN EXPUNGEMENT ORDER BY A JUDGE, SO AS TO REQUIRE THAT THE EXPUNGEMENT PROCEEDING MUST BE HEARD BY THE JUDGE WHO PRESIDED OVER COURT WHEN THE FINDING OF NOT GUILTY, DISMISSAL, OR NOLLE PROSSE OF THE CHARGE WAS ENTERED RATHER THAN BY A JUDGE OF THE GENERAL SESSIONS COURT.

Referred to Committee on Judiciary

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3898 -- Reps. Bowers and R. L. Brown: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ESTUARINE AND SALTWATER FINFISH CATCH LIMITS, SO AS TO PROVIDE THAT FIVE, RATHER THAN THREE, RED DRUM MAY BE CAUGHT IN ANYONE DAY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3899 -- Rep. J. E. Smith: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO FREE PUBLIC SCHOOLS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE.

Referred to Committee on Judiciary

H. 3900 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 8-13-1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF CAMPAIGN PRACTICES, SO AS TO AMEND THE DEFINITION OF "INDEPENDENT EXPENDITURE" TO PROVIDE THAT EXPENDITURES BY A PARTY COMMITTEE WHICH HAVE THE EFFECT OF ADVOCATING THE DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE ARE DEEMED TO BE A CONTRIBUTION TO THE OPPONENT, TO PROVIDE FOR WHEN THERE IS MORE THAN ONE OPPONENT TO A CANDIDATE, TO PROVIDE THAT EXPENDITURES AND CONTRIBUTIONS ARE SUBJECT TO CERTAIN PROVISIONS OF CHAPTER 13, TITLE 8, AND TO REQUIRE THAT AFFECTED ENTITIES ARE SUBJECT TO THE REPORTING AND RECORDKEEPING REQUIREMENTS UNDER ARTICLE 13, CHAPTER 13, TITLE 8, FROM JULY 1, 2011, WHEN THE FIRST REPORT IS DUE AFTER THE EFFECTIVE DATE OF THIS ACT.

Referred to Committee on Judiciary

H. 3901 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 16-3-1040, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THREATENING THE LIFE, PERSON, OR FAMILY OF A PUBLIC OFFICIAL, TEACHER, OR PRINCIPAL, SO AS TO INCLUDE DIRECT OR INDIRECT THREATS.

Referred to Committee on Judiciary

H. 3902 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3685 SO AS TO PROVIDE FOR A CREDIT AGAINST THE STATE INCOME TAX UP TO TWO THOUSAND DOLLARS FOR CLOSING COSTS INCURRED IN CONNECTION WITH A PURCHASE MONEY RESIDENTIAL OR COMMERCIAL MORTGAGE OR THE REFINANCING OF A RESIDENTIAL OR COMMERCIAL MORTGAGE, AND TO DEFINE "CLOSING COSTS".

Referred to Committee on Ways and Means

S. 584 -- Senators Knotts, Setzler, Courson, Cromer and Leatherman: A BILL TO EXTEND THE ONE CENT SALES TAX IMPOSED BY ACT 378 OF 2004, THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.

Referred to Lexington Delegation

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| King | Knight | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Viers | Weeks |
| Whipper | White | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 9.

|  |  |
| --- | --- |
| Chandra Dillard | Terry Alexander |
| William G. Herbkersman | Kevin Ryan |
| James E. Smith | Harold Mitchell |
| Chris Hart | Boyd Brown |
| Paul Agnew | Jerry Govan |
| Jackie Hayes | Leon Howard |
| H. B. "Chip" Limehouse | Dwight Loftis |
| Walton McLeod | William R. "Bill" Whitmire |
| Todd Rutherford | B. W. Bannister |

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BUTLER GARRICK a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. UMPHLETT a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NANNEY a leave of absence for the day due to medical reasons.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Tommy Gibbons of Irmo was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. BANNISTER, BEDINGFIELD and G. R. SMITH presented to the House the Mauldin High School Cheer Team, the 2010 AAAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. G. R. SMITH, BANNISTER and BEDINGFIELD presented to the House the Hillcrest High School "Rams", the 2011 AAAA Wrestling Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3083 |
| Date: | ADD: |
| 03/09/11 | YOUNG and TAYLOR |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3368 |
| Date: | ADD: |
| 03/09/11 | WILLIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3419 |
| Date: | ADD: |
| 03/09/11 | BALLENTINE and KNIGHT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3574 |
| Date: | ADD: |
| 03/09/11 | BEDINGFIELD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3631 |
| Date: | ADD: |
| 03/09/11 | YOUNG and TAYLOR |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3738 |
| Date: | ADD: |
| 03/09/11 | MACK and HERBKERSMAN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3879 |
| Date: | ADD: |
| 03/09/11 | STRINGER, RYAN and BALLENTINE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3897 |
| Date: | ADD: |
| 03/09/11 | BALLENTINE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3793 |
| Date: | ADD: |
| 03/09/11 | QUINN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3881 |
| Date: | ADD: |
| 03/09/11 | BANNISTER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3699 |
| Date: | ADD: |
| 03/09/11 | BANNISTER |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3292 |
| Date: | REMOVE: |
| 03/09/11 | KNIGHT |

**ORDERED TO THIRD READING**

The following Bills and Joint Resolution were taken up, read the second time, and ordered to a third reading:

H. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY'S MEMBERS.

H. 3806 -- Reps. Toole, Bingham, Quinn, Frye, Huggins, Atwater, Spires, McLeod, Ballentine and Ott: A JOINT RESOLUTION TO PROVIDE A PROPERTY TAX CREDIT FOR PROPERTY TAX YEAR 2011 FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY SITUATED IN LEXINGTON COUNTY SCHOOL DISTRICT NOS. 1 AND 4 AS THE SOLE REMEDY FOR REFUNDING OVERPAYMENTS OF PROPERTY TAX ON SUCH PROPERTY FOR PROPERTY TAX YEARS 2007 AND 2008 AS A RESULT OF THE OPINION OF THE SOUTH CAROLINA SUPREME COURT IN THE CASE OF BERKELEY COUNTY SCHOOL DISTRICT ET AL. V. SOUTH CAROLINA DEPARTMENT OF REVENUE, AND TO PROVIDE FOR THE CALCULATION OF THE CREDIT AND OTHER REFUNDS RESULTING FROM THE CASE, AND TO PROVIDE THOSE ELIGIBLE TO RECEIVE THE CREDIT.

S. 628 -- Senators Rose and Matthews: A BILL TO AMEND SECTION 3, ACT 267 OF 1987, RELATING TO THE AUTHORITY OF THE DORCHESTER COUNTY SCHOOL DISTRICTS TO SET THE TAX MILLAGE FOR EACH RESPECTIVE DISTRICT'S ANNUAL OPERATING BUDGET, TO PROVIDE THAT EACH DISTRICT MAY NOT EXCEED THE MILLAGE CAP IMPOSED BY SECTION 6-1-320 WITHOUT THE APPROVAL OF THE DORCHESTER COUNTY COUNCIL; AND TO AMEND ACT 593 OF 1992, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, TO CHANGE THE LIMIT FROM FIVE PERCENT TO FIFTEEN PERCENT.

**SENT TO THE SENATE**

The following Bills and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3012 -- Reps. Horne, H. B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE "LICENSURE OF IN-HOME CARE PROVIDER ACT" SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44-7-2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

H. 3170 -- Rep. Gilliard: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY VETERAN HOMELESSNESS, UNEMPLOYMENT, JOB PLACEMENT, INCIDENCE OF POST-TRAUMATIC STRESS DISORDER, ACCESS TO BASIC HUMAN SERVICES, AND OTHER ISSUES AFFECTING SOUTH CAROLINA VETERANS AND TO PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

H. 3038 -- Rep. Umphlett: A BILL TO AMEND SECTION 44-34-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TATTOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS, SO AS TO PROVIDE A TATTOO FACILITY MAY PROVIDE THE RETAIL SALE OF MERCHANDISE WITH IMAGES AND LANGUAGE PROMOTING THE ART AND CULTURE OF TATTOOING.

H. 3378 -- Reps. Crawford and McLeod: A BILL TO AMEND ARTICLE 3, CHAPTER 31, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF TUBERCULOSIS PATIENTS, SO AS TO PROVIDE FOR AN EMERGENCY ORDER ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR AN ORDER ISSUED BY THE PROBATE COURT FOR THE DETENTION, EXAMINATION, ISOLATION, AND TREATMENT OF A PERSON WITH TUBERCULOSIS WHO POSES A RISK TO THE PUBLIC; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY ORDER MAY BE ISSUED AND THE SCOPE OF AN EMERGENCY ORDER; TO PROVIDE REVIEW AND APPEAL PROCEDURES FOR AN EMERGENCY ORDER; TO AUTHORIZE THE COURT TO WAIVE NOTICE REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT STAYING A COMMITMENT ORDER PENDING APPEAL; TO PROVIDE THAT INVOLUNTARY EXAMINATION OF A PERSON WITH SUSPECTED TUBERCULOSIS IS NOT COMPULSORY TREATMENT; AND TO DELETE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF TUBERCULOSIS FACILITIES AT THE STATE PARK HEALTH CENTER AND THAT THE ENFORCEMENT OF THIS ARTICLE IS CONTINGENT UPON THE AVAILABILITY OF FACILITIES FOR HOSPITALIZATION.

**H. 3438--ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 3438 -- Reps. G. M. Smith and Weeks: A BILL TO AMEND SECTION 29-15-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

Rep. G. M. SMITH spoke in favor of the Bill.

The Bill was read the second time and ordered to third reading.

**H. 3658--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3658 -- Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D. C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V. S. Moss, Long, G. R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Viers, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA EMPLOYER FREE SPEECH ACT" BY ADDING SECTION 41-7-110 SO AS TO PROVIDE THAT AN EMPLOYER IN THIS STATE IS NOT REQUIRED TO POST, PHYSICALLY, ELECTRONICALLY, OR OTHERWISE, NOTICES INFORMING EMPLOYEES OF THEIR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT, COURT DECISIONS IMPLEMENTING THOSE RIGHTS, OR INFORMATION PERTAINING TO THE ENFORCEMENT OF THOSE RIGHTS, AND TO PROVIDE DEFINITIONS.

Rep. CLEMMONS explained the Bill.

Reps. RUTHERFORD, CRAWFORD, LOWE, MCLEOD, ATWATER, HART, TOOLE, SELLERS, OTT, DANING, CROSBY, ERICKSON, BRANTLEY, COBB-HUNTER, J. H. NEAL, GOVAN, WILLIAMS, JEFFERSON, KING, KNIGHT, ALLISON, YOUNG, MCEACHERN, R. L. BROWN, ANDERSON, HOSEY, CLYBURN, ALEXANDER, G. R. SMITH, J. R. SMITH, BIKAS, GILLIARD, MACK, WEEKS, HIXON and CLEMMONS requested debate on the Bill.

**S. 277--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 277 -- Senators Peeler, Campsen, Rose, Ryberg, McConnell, Bright, Knotts, O'Dell, S. Martin and Alexander: A BILL TO RATIFY AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

Reps. HART, COBB-HUNTER, SABB, SELLERS, J. H. NEAL, GOVAN, CRAWFORD, ERICKSON, J. E. SMITH, WILLIAMS, JEFFERSON, KING, KNIGHT, DANING, CROSBY, R. L. BROWN, HOSEY, CLYBURN, ALEXANDER, G. R. SMITH, WEEKS, J. R. SMITH and BEDINGFIELD requested debate on the Bill.

**H. 3267--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3267 -- Reps. Sellers and G. M. Smith: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

Reps. HART, DANING, OTT, HOWARD, J. H. NEAL, BRANTLEY, WILLIAMS, JEFFERSON, R. L. BROWN, ANDERSON, HOSEY, AGNEW, MACK, WEEKS, KING, SELLERS and MCEACHERN requested debate on the Bill.

**H. 3667--DEBATE ADJOURNED**

Rep. HAMILTON moved to adjourn debate upon the following Bill until Thursday, March 10, which was adopted:

H. 3667 -- Rep. Bannister: A BILL TO AMEND SECTION 16-3-655, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR OFFENSES, SO AS TO PROVIDE FOR CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE WHEN THE ACTOR IS OVER THE AGE OF FOURTEEN AND COMMITS CERTAIN ACTS WITH A CHILD UNDER THE AGE OF SIXTEEN, TO PROVIDE AN EXCEPTION FOR CERTAIN CONSENSUAL CONDUCT, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16-15-140 RELATING TO COMMITTING OR ATTEMPTING TO COMMIT A LEWD ACT UPON A CHILD UNDER THE AGE OF SIXTEEN.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

Rep. WILLIAMS moved that the House recur to the Morning Hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3780 -- Rep. Rutherford: A HOUSE RESOLUTION TO URGE APPROPRIATE STATE AGENCIES, AS WELL AS PRIVATE ORGANIZATIONS, TO DEVELOP AND IMPLEMENT POLICIES AND PROGRAMS TO HELP REDUCE OVERWEIGHT AND OBESITY AMONG SOUTH CAROLINA'S YOUTH.

Ordered for consideration tomorrow.

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3784 -- Reps. Gilliard and King: A CONCURRENT RESOLUTION TO REQUEST PRESIDENT BARACK H. OBAMA TO INCLUDE IN HIS 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3903 -- Reps. Govan, Sellers, Dillard and Ott: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. CAESAR ROLAND RICHBURG FOR THIRTY YEARS OF DEDICATED MINISTRY TO HIS COMMUNITY AND CONGREGATIONS AND TO HIS CALLING AS A MINISTER OF THE GOSPEL.

The Resolution was adopted.

**ORDERED TO THIRD READING**

The following Bill and Joint Resolution were taken up, read the second time, and ordered to a third reading:

H. 3786 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF ARCHIVES AND HISTORY, RELATING TO REHABILITATION OF DESIGNATED HISTORIC BUILDINGS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4135, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. WILLIAMS explained the Joint Resolution.

H. 3574 -- Reps. Merrill, Quinn, Bingham, Toole, Atwater, G. M. Smith, Frye, Spires, Stavrinakis and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-545 SO AS TO PROVIDE THAT A MEMBER OF A STATE BOARD OR STATE COMMISSION MAY NOT BE EMPLOYED BY THE BOARD OR COMMISSION ON WHICH HE SERVES, OR AN ENTITY GOVERNED BY THAT BOARD OR COMMISSION, DURING THE TERM OF HIS SERVICE OR FOR ONE YEAR AFTER HIS TENURE ON THE BOARD OR COMMISSION ENDS.

Rep. MERRILL explained the Bill.

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Tuesday, March 29, which was adopted:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

**H. 3700--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, March 10, which was adopted:

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**H. 3701--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, March 10, which was adopted:

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

**OBJECTION TO RECALL**

Rep. BEDINGFIELD asked unanimous consent to recall H. 3226 from the Committee on Judiciary.

Rep. J. H. NEAL objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3733 from the Committee on Labor, Commerce and Industry.

Rep. GAMBRELL objected.

**H. 3003--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V. S. Moss, Norman, Parker, G. M. Smith, G. R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J. R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D. C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56-1-3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

Rep. CLEMMONS moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3716--SENT TO THE SENATE**

The following Bill was taken up:

H. 3716 -- Ways and Means Committee: A BILL TO AMEND CHAPTER 20, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION FINANCE ACT OF 1977, SO AS TO RENAME THE CHAPTER, DEFINE CERTAIN TERMS, REVISE THE PURPOSE OF THE CHAPTER, REVISE PUPIL WEIGHTINGS WITHIN THE ALLOCATION FORMULA, DELETE PROVISIONS REGARDING SCHOOL AND DISTRICT IMPROVEMENT PLANS, DELETE THE INFLATION ADJUSTMENT TO STATE FUNDS FOR SCHOOL DISTRICTS, DELETE THE PROVISION THAT A SCHOOL DISTRICT MAY NOT RECEIVE HOLD HARMLESS FUNDS, DELETE THE REQUIREMENT THAT TEACHER SALARIES MUST BE ADJUSTED TO STAY AT THE SOUTHEASTERN AVERAGE, PROVIDE WHAT THE STATE MINIMUM SALARY SCHEDULE MUST INCLUDE, PROVIDE THAT TEACHER SALARIES IN THE FISCAL YEAR AFTER A FURLOUGH HAS BEEN IMPOSED MUST BE BASED ON THE TEACHER SALARY IN THE YEAR PRIOR TO THE FURLOUGH, PROVIDE THAT TEACHER PAY RAISES MAY BE PROVIDED AT THE DISCRETION OF THE SCHOOL DISTRICT, REVISE HOW A TEACHER MAY QUALIFY FOR A PAY RAISE, REQUIRE THE DEPARTMENT TO DEVELOP AN INCENTIVE COMPENSATION SYSTEM BASED ON TEACHER PERFORMANCE FOR TEACHERS AND PROVIDE REPORTING REQUIREMENTS, REQUIRE A SCHOOL DISTRICT TO PUBLISH THE ACTUAL PERCENTAGE OF ITS PER PUPIL EXPENDITURES USED FOR CLASSROOM INSTRUCTION, INSTRUCTIONAL SUPPORT, AND NON-INSTRUCTIONAL PUPIL SERVICES, REQUIRE THE DISTRICT TO SPEND AT LEAST SEVENTY PERCENT OF ITS PER PUPIL EXPENDITURES IN THESE CATEGORIES, AND DELETE OBSOLETE REFERENCES; BY ADDING ARTICLE 2 TO CHAPTER 139, TITLE 59 SO AS TO REQUIRE EACH SCHOOL DISTRICT BOARD OF TRUSTEES TO DEVELOP FIVE-YEAR PLANS FOR THE DISTRICT AND FOR THE SCHOOLS OF THE DISTRICT, PROVIDE WHAT THESE PLANS MUST INCLUDE, AND PROVIDE FOR ALLOCATION OF FUNDING FOR ELEMENTS OF THE PLAN; AND BY ADDING SECTION 59-19-91 SO AS TO REQUIRE A SCHOOL DISTRICT BOARD OF TRUSTEES TO ESTABLISH AN IMPROVEMENT COUNCIL AT EACH SCHOOL IN THE DISTRICT, PROVIDE WHO MAY SERVE ON THE COUNCIL, PROVIDE THE DUTIES OF THE COUNCIL, AND PROVIDE TERMS FOR COUNCIL MEMBERS.

The Bill was read the third time and ordered sent to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. COOPER.

**H. 3410--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3410 -- Reps. Owens, Cooper, Harrell, Branham, Limehouse, Atwater, Bikas, Govan, Loftis, Skelton, Taylor, Young, Williams, Daning, Quinn, Brannon, J. M. Neal, Bowen, Patrick, Norman, Whitmire, Willis, Thayer, Erickson, Weeks, Munnerlyn, McEachern, Vick, Sandifer, Viers, Hixon, Huggins, Clemmons, Henderson and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011"; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, AS AMENDED, RELATING THE JOINT BOND REVIEW COMMITTEE, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY STATE AGENCIES AND FOR THE APPROVAL OF THESE PROJECTS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS, TO ALLOW THE COMMITTEE TO REQUEST ASSISTANCE WITH THE REVIEW OF PROJECTS, AND TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS; BY ADDING SECTION 2-47-54 SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY AND TO PROVIDE REQUIREMENTS FOR THOSE AGREEMENTS; BY ADDING SECTION 59-53-168 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO FINANCIAL STRENGTH AND OTHER FACTORS BY WHICH TECHNICAL COLLEGES MAY APPLY FOR CERTAIN EFFICIENCY POLICIES GRANTED BY THE BOARD AND TO REQUIRE THE BOARD TO ESTABLISH AN ADVISORY BOARD AND REPORT TO THE GENERAL ASSEMBLY; TO AMEND SECTIONS 59-53-290, 59-53-630, 59-53-740, 59-53-1784, AND 59-53-2430, ALL RELATING TO LEASE AGREEMENTS OF TECHNICAL COLLEGES, SO AS TO PROVIDE FOR THE FAVORABLE REVIEW OF THE AGREEMENT BY THE JOINT BOND REVIEW COMMITTEE AND ITS APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTIONS 59-147-42 AND 59-147-43 AND TO AMEND SECTION 59-147-30, AS AMENDED, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, ALL SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; BY ADDING ARTICLE 7 TO CHAPTER 101, TITLE 59 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF THE BUDGET AND CONTROL BOARD TO ALLOW GOVERNMENTAL BODIES TO MAKE DIRECT PROCUREMENTS, SO AS TO PROVIDE FOR APPROVAL OF PROCUREMENT AUTHORITY BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF THESE CONTRACTS; TO AMEND SECTION 11-35-4810, AS AMENDED, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS MAY NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION ON HIGHER EDUCATION IN REGARD TO THESE WAIVERS; BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 1-11-55, RELATING TO LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO LEASE AGREEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY UPON APPROVAL BY THE INSTITUTIONAL BOARDS.

Reps. QUINN, BINGHAM, MERRILL and OWENS proposed the following Amendment No. 9 (COUNCIL\AGM\18870BH11), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 25, as contained in PART II, pages 4‑16, and inserting:

/ SECTION 2.A. Article 2, Chapter 101, of the 1976 Code is amended by adding:

“Section 59‑101‑670. (A) Project Proposals. Notwithstanding another provision of law, a public institution of higher learning that intends to establish a permanent improvement project shall submit a preliminary request to the Joint Bond Review Committee and receive favorable review from the Joint Bond Review Committee before any funds may be expended for architectural and engineering services for the project. In addition, the public institution of higher learning shall submit the permanent improvement project proposal to the Commission on Higher Education for information purposes only. The commission may make nonbinding recommendations concerning the proposal to the Joint Bond Review Committee and the public institution of higher learning. A preliminary request shall include:

(1) a complete description of the proposed project;

(2) a statement of justification of the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement on the expected impact of the proposed project on the five‑year operating plan of the public institution proposing the project;

(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(B) Project Establishment. Upon completion of the architectural and engineering plans, including an estimated total cost of the project, a public institution of higher learning concurrently shall submit to the Joint Bond Review Committee and the Budget and Control Board the project proposal for review by both bodies. In addition, the public institution of higher learning shall submit the permanent improvement project proposal to the Commission on Higher Education for information purposes only. The commission may make nonbinding recommendations concerning the proposal to the Joint Bond Review Committee, the Budget and Control Board, and the public institution of higher learning. In making its proposal, the public institution of higher learning shall include:

(1) a complete description of the proposed project;

(2) a statement of justification of the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement on the expected impact of the proposed project on the five‑year operating plan of the public institution proposing the project;

(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(C) The Joint Bond Review Committee and the Budget and Control Board shall notify the institution of their favorable review or approval of the permanent improvement project, as per their authority, within forty‑five days of receipt of the proposal. The review of the Joint Bond Review committee must be rendered by the collective body. The Budget and Control Board only is required to meet to discuss the project if the Governor with an additional two of the five members of the board express opposition or concerns of the project in writing. This letter must be sent by the Governor’s office to all Budget and Control Board members and the public institution of higher learning Board of Trustees within the forty‑five day time period. A permanent improvement project proposal is deemed to be favorably reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board if either fails to notify the public institution of higher learning of its finding within forty‑five days of receipt of the proposal.

(D) Except as provided in subsection (E)(2), a proposal to finance all or any part of any project using any funds not previously authorized specifically for the permanent improvement project by the General Assembly or using any funds not previously approved for the project must be referred to the Joint Bond Review Committee for its review and the Budget and Control Board for its approval prior to implementation by the public institution of higher learning.

(E)(1) A proposed revision of the scope that exceeds the total cost of subsection (E)(2) is deemed substantial and must be reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board prior to any final action by the public institution of higher learning. In making their determinations regarding changes in project scope, the committee and board shall utilize the permanent improvement project proposal and justification statements, together with supporting documentation considered at the time the project was authorized or established originally. Except as provided in subsection (E)(2), a proposal to increase the budget of a previously approved project by the institution of higher learning must be deemed in all cases to be a substantial revision of a project budget which must be referred to the committee for review and to the board for its approval.

(2) Notwithstanding subsection (E)(1), a previously approved improvement project undertaken by a public institution of higher learning, whose total costs increase not more than ten percent of the most recently approved total costs, not to exceed two million dollars, is not required to have that proposal reviewed by the Joint Bond Review Committee and the Budget and Control Board. The proposal, however, is subject to staff level review of the Joint Bond Review Committee.

(F)(1) For purposes of this section, with regard to public institutions of higher learning, a permanent improvement project is defined as:

(a) acquisition of land costing more than two hundred fifty thousand dollars. For the acquisition of land costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(b) acquisition, as opposed to the construction, of buildings or other structures costing more than two hundred fifty thousand dollars. For the acquisition, as opposed to construction, of building or other structures costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(c) work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;

(d) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more;

(e) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract must be included as a part of a project in which the total cost is one million dollars or more; and

(f) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

(2) A permanent improvement project that meets the definition provided in subsection (F)(1) must become a project, regardless of the source of funds.

(G) For projects submitted to the Joint Bond Review Committee and the Budget and Control Board for review, the committee and the board may request the assistance of the Office of the State Treasurer to review the feasibility and financing structure of the project.

(H) For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson‑PSA) and South Carolina State University Public Service Activities (SC State‑PSA), are subject to the provisions of this chapter.”

B. The general effective date otherwise provided in this act does not apply the provisions of this section. The provisions of this section become effective upon approval by the Governor and apply to proposals offered by a public institution of higher learning offered after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

The amendment was then adopted.

Rep. MERRILL explained the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--111**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3419--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3419 -- Reps. Merrill, Bingham, Young, Taylor, Hixon, J. R. Smith, Clemmons, Stavrinakis, Bowers, Edge, Ballentine and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TAXPAYER FAIRNESS ACT" BY ADDING SECTION 12-4-397 SO AS TO PROVIDE THE MANNER IN WHICH THE SOUTH CAROLINA DEPARTMENT OF REVENUE MUST INTERPRET TAX STATUTES OF THIS STATE, TO PROVIDE THAT TERMS IN THE TAX STATUTES OF THIS STATE MAY NOT BE GIVEN BROADER MEANING THAN INTENDED BY POLICY DOCUMENTS AND REGULATIONS OF THE DEPARTMENT OF REVENUE, TO PROVIDE THAT AMBIGUITY IN TAX STATUTES MUST BE RESOLVED IN FAVOR OF THE TAXPAYER, TO REQUIRE THE DEPARTMENT TO REPORT AMBIGUITIES TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY, AND TO DEFINE "TAX STATUTES OF THIS STATE".

Rep. HERBKERSMAN explained the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3419. If I had been present, I would have voted in favor of the Bill.

Rep. Phyllis Henderson

Rep. MCCOY moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, Acting SPEAKER CHUMLEY in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3368--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3368 -- Reps. G. R. Smith, Harrell, Bingham, Harrison, Cooper, Huggins, Bowen, Brady, Atwater, Parker, Clemmons, Crawford, D. C. Moss, Pinson, Loftis, Lowe, Allison, Bedingfield, Owens, Frye, Hardwick, Lucas, Quinn, Hamilton, Toole, Bannister, Whitmire, Stringer, Ballentine, Henderson, Nanney, Hearn, Bikas, V. S. Moss, Sottile, Gambrell, J. R. Smith, Corbin, Brannon, McCoy, Crosby, Barfield, Cole, Daning, Delleney, Hixon, Horne, Long, Murphy, Sandifer, G. M. Smith, Spires, Taylor, Young, Viers, Simrill, Pope, Edge, Ryan, Forrester and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-415 SO AS TO PROVIDE THAT THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR A FISCAL YEAR IS THE TOTAL AMOUNT OF THE GENERAL FUND REVENUE ESTIMATE AS OF FEBRUARY 15, 2010, FOR FISCAL YEAR 2010-2011, INCREASED ANNUALLY AND CUMULATIVELY BY A PERCENTAGE DETERMINED BY POPULATION INCREASES AND INCREASES IN THE CONSUMER PRICE INDEX, TO PROVIDE FOR THE LIMITATION TO BE SUSPENDED FOR A FISCAL YEAR FOR A SPECIFIC AMOUNT UPON A SPECIAL VOTE OF THE GENERAL ASSEMBLY AND TO DEFINE THIS SPECIAL VOTE, TO ESTABLISH THE SPENDING LIMIT RESERVE FUND TO WHICH ALL SURPLUS GENERAL FUND REVENUES MUST BE CREDITED, TO PROVIDE FOR THE PRIORITY USES OF THE REVENUES OF THIS FUND, TO PROVIDE FOR THE APPROPRIATION OF FUND REVENUES AFTER THESE PRIORITIES ARE MET, TO REQUIRE THAT APPROPRIATION OF REVENUES OF THIS FUND MUST BE BY A JOINT RESOLUTION ORIGINATING IN THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE THAT THIS LIMIT FIRST APPLIES FOR FISCAL YEAR 2011-2012.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\10089HTC11), which was adopted:

Amend the bill, as and if amended, in Section 11‑11‑415(A), as contained in SECTION 1, beginning on page 1, by striking item (1) and inserting:

/ (1) In addition to all other applicable constitutional and statutory limitations on general fund appropriations, notwithstanding any other provisions of law, and only to the extent that the limit on general fund appropriations for a fiscal year imposed by this subsection is lower than the annual limit imposed pursuant to Section 7(c) of the Constitution of this State and Section 11‑11‑410, total general fund appropriations for the fiscal year, excluding the constitutional and statutory requirements of the State, may not exceed the lesser of:

(a) one hundred six percent of the adjusted base‑year estimate; or

(b) the adjusted base‑year estimate increased by a percentage equal to the state’s growth in population applied ratably over the period of the decennial United States census assuming a rate of increase equal to the rate in the most recently completed United States census for which population figures are available over the next preceding census and a percentage equal to the increase, if any, in the consumer price index in the most recently ended federal fiscal year, as determined by the Bureau of Labor Statistics of the United States Department of Labor. /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The question then recurred to the adoption of the amendment.

Rep. OTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Atwater |
| Ballentine | Bannister | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | G. A. Brown |
| H. B. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

So, the amendment was adopted.

Reps. OTT and J. E. SMITH proposed the following Amendment No. 2 (COUNCIL\DKA\3549SD11), which was tabled:

Amend the bill, as and if amended, Section 11-11-415(A)(1), as contained in SECTION 1, by striking beginning on line 40 of page [3368-1] through line 1 of page [3368-2], the following:

/ the lesser of:

(a) one hundred six percent of the adjusted base‑year estimate; or

(b) /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. G. R. SMITH moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | White |
| Whitmire | Willis | Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Sabb |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks | Williams |  |

**Total--41**

So, the amendment was tabled.

Reps. OTT and J. E. SMITH proposed the following Amendment No. 3 (COUNCIL\DKA\3550SD11), which was tabled:

Amend the bill, as and if amended, Section 11‑11‑415, as contained in SECTION 1, by striking / consumer price index / on line 7, page [3368‑2]; line 15, page 2; and line 28, page 2, and inserting in all places:

/ gross domestic product deflator for state and local government (GDP deflator) /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. J. E. SMITH continued speaking.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. SELLERS spoke in favor of the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. G. R. SMITH moved to table the amendment.

Rep. J. H. NEAL demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Jefferson | King |
| Knight | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sabb |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks | Williams |  |

**Total--41**

So, the amendment was tabled.

Reps. OTT and J. E. SMITH proposed the following Amendment No. 4 (COUNCIL\DKA\3551SD11), which was tabled:

Amend the bill, as and if amended, Section 11‑11‑415(A), as contained in SECTION 1, page 2, beginning on line 18, by striking item (2) of subsection (A) and inserting:

/ (2) As used in this subsection, the ‘adjusted base‑year estimate’ is the general fund revenue estimate made by the Board of Economic Advisors in February, 2011, for fiscal year 2011‑2012, including both recurring and nonrecurring revenues from whatever source derived as adjusted annually and cumulatively as provided in item (1) of this subsection. /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. G. R. SMITH moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| D. C. Moss | V. S. Moss | Murphy |
| Owens | Parker | Patrick |
| Pinson | Pope | Quinn |
| Ryan | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Viers | White |
| Whitmire | Willis | Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Battle | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | King |
| Knight | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Pitts | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Williams |

**Total--42**

So, the amendment was tabled.

Reps. OTT and J. E. SMITH proposed the following Amendment No. 5 (COUNCIL\BBM\10110HTC11), which was tabled:

Amend the bill, as and if amended, in Section 11‑11‑415(A)(1), as contained in SECTION 1, page 3368‑1, by striking line 40 and inserting:

/ State and any general fund revenues required to be appropriated to comply with the order of a court of competent jurisdiction, may not exceed the lesser of:/

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. G. R. SMITH moved to table the amendment.

Rep. OTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Chumley | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | D. C. Moss |
| V. S. Moss | Murphy | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Viers | White |
| Whitmire | Willis | Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Williams |

**Total--42**

So, the amendment was tabled.

Reps. OTT and J. E. SMITH proposed the following Amendment No. 6 (COUNCIL\BBM\10111HTC11), which was tabled:

Amend the bill, as and if amended, in Section 11‑11‑415, as contained in SECTION 1, page 4, by adding a new subsection at the end to read:

/ (D) The limit on general fund appropriations imposed by this section also applies to appropriations for or authorizations to expend ‘other funds’ for a state fiscal year. For purposes of this subsection, ‘other funds’ include all sums appropriated or authorized for expenditure from any sources other than the general fund of the State, and specifically including federal funds. Wherever the phrase ‘general fund’ appears in this section it must be construed to include ‘other funds’ as defined in this subsection. If ‘other funds’ are required by federal law or the Constitution of this State to be expended for specific purposes, they may not be transferred from the Spending Limit Reserve Fund to the General Reserve Fund and they may be appropriated from the Spending Limit Reserve Fund only for the applicable specific purposes. /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. G. R. SMITH moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Brady | Brannon |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | D. C. Moss |
| V. S. Moss | Murphy | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Viers | White |
| Whitmire | Willis | Young |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hamilton | Hart | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sabb | J. E. Smith |
| Stavrinakis | Weeks | Williams |

**Total--42**

So, the amendment was tabled.

Rep. SKELTON spoke against the Bill.

**MOTION ADOPTED**

Rep. OTT moved that Rep. SKELTON'S remarks be printed in the Journal, which was agreed to.

I plan to vote against H. 3368 for the following reasons:

* It is a confession that we are unable or unwilling to do the job we were elected to do.
* It is price fixing, which does not work in the real world.
* Every agency is not currently funded at the appropriate level. This Bill limits spending growth to CPI plus population growth or about 3% per year.
* The provision to override the spending restrictions gives the minority control of spending.
* There is no cap on the transition funds or a trigger level of spending.
* If imposed as written, the cap would restrict economic development.
* The Bill lacks a trigger level of income but instead bases increases on February 15, 2010, projections.
* The simple truth is that the Bill is good politics but bad policy.

Rep. B. R. Skelton

Rep. J. E. SMITH spoke against the Bill.

Rep. OTT spoke against the Bill.

Rep. G. R. SMITH spoke in favor of the Bill.

Rep. SKELTON spoke against the Bill.

The question then recurred to the passage of the Bill, as amended, on second reading.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 76; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | H. B. Brown | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | D. C. Moss | V. S. Moss |
| Murphy | J. M. Neal | Neilson |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--76**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bales |
| Bowers | Branham | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | Ott |
| Parks | Rutherford | Sabb |
| Sellers | Skelton | J. E. Smith |
| Weeks | Williams |  |

**Total--35**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3368. If I had been present, I would have voted in favor of the Bill.

Rep. Jim Merrill

Rep. MCLEOD moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3894 -- Reps. Owens, Daning and Forrester: A CONCURRENT RESOLUTION TO CONGRATULATE THE TWENTY SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2011 ACADEMIC ALL-STATE BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

H. 3714 -- Reps. Gilliard, Stavrinakis, McCoy, Clyburn, Anderson, Daning, McEachern, Crosby, Limehouse, Sottile, R. L. Brown, Clemmons, Dillard, Herbkersman, Hosey, Mack, Patrick and Whipper: A CONCURRENT RESOLUTION TO COMMEMORATE THE UNION OF THE CHARLESTON AIR FORCE BASE AND NAVAL WEAPONS STATION CHARLESTON, RENAMED JOINT BASE CHARLESTON, AND TO COMMEND JOINT BASE CHARLESTON FOR ITS OVERALL IMPORTANCE TO THE STATE AND OUR NATIONAL SECURITY, AND TO COMMEND THE DEDICATED MEN AND WOMEN THERE SERVING THE STATE OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

**ADJOURNMENT**

At 5:36 p.m. the House, in accordance with the motion of Rep. LUCAS, adjourned in memory of Reaves McCall of Hartsville, to meet at 10:00 a.m. tomorrow.

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